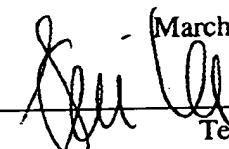


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: Dan L. Eaton et al. Serial No.: 10/063,567 Filed: May 2, 2002 | Group Art Unit: 1647 Examiner: Rachel Kapust Hunnicutt Confirmation No.: 9763 Customer No.: 09157 |
| For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i> | <div style="text-align: center;"> CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on  March 25, 2005 Teri Lee </div> |

*Fee Purpose
only*
APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief, filed in connection with the above captioned patent application, is responsive to the Final Office Action mailed on October 15, 2004. An Amendment in response to this Final Office Action and a Notice of Appeal was filed herein on October 29, 2004, which resulted in the Examiner issuing an Advisory Action on November 22, 2004.

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection in this case. A request for an appropriate extension of time for the filing of this Appeal Brief is enclosed herewith.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

The following constitutes the Appellants Brief on Appeal.

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VIII. CONCLUSIONS

For the reasons given above, Applicants respectfully submit that the present specification clearly describes, details and provides a patentable utility for the claimed invention. Moreover, it is respectfully submitted that based upon this disclosed patentable utility, the present specification clearly teaches "how to use" the presently claimed antibody. As such, Applicants respectfully request reconsideration and reversal of the outstanding rejections of Claims 1-5.

Respectfully submitted,

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